

### **REMARKS/ARGUMENTS**

In the specification, amendments have been made to correct the typographical and other formalities errors identified by the Examiner.

Claims 11-16 remain in this application. Claims 1-10 and 17-32 have been canceled in accordance with the earlier restriction requirement.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims to the cancelled subject matter in a divisional application

Claim 11 has been amended to clarify that the claimed antibody is an isolated antibody and that it binds specifically to SEQ. ID. No. 2. No new matter has been added.

#### **The Rejection Under 35 USC 101**

Claims 11-12 were rejected under 35 USC 101 on the basis that they read on a product of nature. Applicants have amended claim 11 as suggested by the Examiner to clarify that the claimed antibody is "isolated". Accordingly, the rejection may be withdrawn.

#### **The Rejections under 35 USC 112**

Claims 11-16 were rejected under Section 112, second paragraph as being indefinite for being depended on withdrawn claims. The rejection is rendered moot by the amendment of Claim 11 to an independent claim.

Claims 11-16 were also rejected under 35 USC 112, first paragraph as not being enabled for an antibody that binds to a protein having 80% identity to SEQ ID No. 2. The rejection is also rendered moot by the amendment of claim 11. The rejection under 35 USC 112, second paragraph for failure to comply with the written description requirement is also rendered moot by the amendment of claim 11.

#### **The Rejection Under Section 35 USC 102**

Claims 11-16 also stand rejected under Section 35 USC 102 as being anticipated by US Patent 6,211,142. The '142 patent discloses compositions comprising Gas6 polypeptides and generally describes antibodies that bind to such compositions.

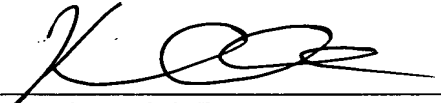
This rejection is also rendered moot by the amendment of claim 11. As currently amended, the claim is directed to an antibody that binds specifically to an amino acid sequence of SEQ ID No. 2. The '142 patent does not disclose or suggest an antibody that specifically binds to SEQ ID No. 2. The patent generally describes antibodies that bind to gas6 protein but does not describe or suggest antibodies that bind specifically to the amino acid sequence ID no 2. The Examiner makes reference to antibodies described in examples 2, 8, 10 and 4, but in fact, these references are to RSE-IgG, a protein fusion product, other fusion products, or antibodies that bind to epitope tags (gD) that are fused to gas6 (See

Serial No. 10/671,019

example 4). None of these examples discloses or suggest antibodies that bind to a protein of amino acid SEQ ID No. 2. Accordingly, the rejection should be withdrawn.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By:   
Kenneth J. Dow  
Reg. No. 32,890

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(610) 651-7422  
Dated: October 28, 2005